

APPEAL NO. 021346  
FILED JULY 15, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 17, 2002. The hearing officer resolved the disputed issue by determining that the respondent (claimant) had disability from September 24, 2001, through February 9, 2002. The appellant (carrier) contends that this determination is against the great weight and preponderance of the evidence. The claimant urges affirmance.

DECISION

A timely appeal not having been filed, the decision and order of the hearing officer have become final pursuant to Section 410.169.

While the carrier contends on appeal that it received a copy of the hearing officer's decision and order on May 2, 2002, records of the Texas Workers' Compensation Commission (Commission) reflect that the decision was received by the carrier's representative on April 25, 2002.

Pursuant to Section 410.202(a), for an appeal to be considered timely, it must be filed or mailed within 15 days, excluding Saturdays, Sundays, and holidays listed in the Texas Government Code, of the date of receipt of the hearing officer's decision. The deadline for the carrier to file an appeal was May 16, 2002; however, the envelope containing the carrier's appeal reflects that it was not mailed until May 23, 2002. There is no indication that the appeal was faxed or hand-delivered at an earlier date.

Although the date shown as the date of the carrier's receipt is before the cover letter date on the decision, decisions are typically distributed to the carrier's representative's "box" at the central office of the Commission for pickup; a pickup actually accomplished on April 29 or 30 would still render this appeal untimely.

Because the carrier's appeal was not timely filed, the hearing officer's decision and order have become final pursuant to Section 410.169 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 142.16(f) (Rule 142.16(f)).

The true corporate name of the insurance carrier is **ZURICH NORTH AMERICA** and the name and address of its registered agent for service of process is

**GARY SUDOL  
ZURICH NORTH AMERICA  
12222 MERIT DRIVE, SUITE 700  
DALLAS, TEXAS 75251.**

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Robert E. Lang  
Appeals Panel  
Manager/Judge